

REMARKS

Applicant, with this preliminary amendment, submits a request for continued prosecution. By this preliminary amendment, Applicant has amended the claims here, namely, claims 22, 23, 24, and 26. Applicant respectfully requests the Examiner to consider the refined claims and the arguments urged here. Applicant has amended the claims to further clarify the distinctions that exist with respect to the art asserted by the Examiner. The claims are distinct from the art asserted by the Examiner for the reasons urged before in prior responses, which reasons are also incorporated by reference here.

In the final office action dated October 22, 2002, the Examiner rejected claim 22 as unpatentable over Barger in view of Gordon. The Examiner also rejected claims 23-29 as unpatentable over Barger in view of the document entitled "*DST Systems Inc. Mutual System Audio Response System*."

With respect to claim 22, the Examiner takes the position that "*Barger describes a caller entering credit card or account number information using the keys of a push-button telephone and in response to audio message prompts, as an alternative to interaction with a human operator.*" The Examiner further indicates that "*Barger further provides for transferring certain callers who are interacting with the automated system to a human operator, ..the human operator terminal automatically displaying all data regarding the calling customer so as to provide the operator with a very accurate and informative profile of the calling customer.*" The Examiner points to Barger, column 6, lines 35-54, and column 5, lines 30-37, and column 6, lines 21-26, in support of her position.

With interest, Applicant notes that at column 5, lines 30-37, in fact, from line 30 on, Barger indicates that the "*operator readily picks up the transaction with the customer through a video display presented to the operator by the data processor which includes all of the data for that customer's call including any historical and credit verification data which the processor has recovered from memory using the customer's account or credit card number*" (emphasis added). There is no mention here that Barger displays the customer's account or credit card number, which is entered by the caller. All the data for that customer's call is data that is either recovered from memory or data that an operator elicits and keys into the data processor for a caller. Applicant points the Examiner's attention to the preceding paragraphs in Barger. Nowhere in the

preceding paragraphs is there any disclosure that the customer enters his account or credit card number, nor that such caller-entered data is recorded for transfer to an operator terminal.

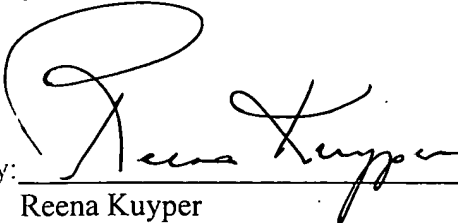
Moreover, with respect to claim 22, on page 3 of the final office action, the Examiner points out that in Barger, callers are transferred to an attended terminal when their credit cannot be validated, or those determined to be freeloaders or those who key in a specified code. In Barger, even if a transfer to an operator occurs after having "*established communications through a data coupling set*," Barger indicates that the "*hello*" message may instruct the customer to key in a "*specified code*" if operator assistance is required. Barger indicates further that if operator assistance is not required, the customer enters "*an established account number having a code reserved for push-button telephone customers*" (see Barger, column 9, lines 36-45). Clearly, at best, Barger may only be taken to suggest transfer from its data processor to an operator following a preliminary "*hello*" message. Moreover, the transfer operation in Barger suggests a test consideration of the "*specified code*." Applicant respectfully submits that the claims here require at least the steps of prompting callers via the control system, receiving responsive caller identification signals, testing at least a portion of those signals and thereafter transferring to an attended terminal upon the caller's request.

With respect to claims 23-29, Applicant submits that the same distinctions urged with respect to claim 22 apply. Also, as pointed out by the Examiner, the confirmation takes place via the voice generator. Even if Barger is combined with the other reference, as suggested by the Examiner, the combination would still fall short of the claims as they stand.

Favorable consideration and allowance of the claims is respectfully requested.

Respectfully submitted,

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